

OCT 28 2005

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To:

NAME:	FACSIMILE:	TELEPHONE:
MS Amendment United States Patent and Trademark Office	(571) 273-8300	(571) 272-1844

FROM: Charles D. Holland

DATE:

October 28, 2005

Number of pages with cover page:	4	
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Preparer of this slip has confirmed that facsimile number given is correct: 9369/cgm1

Comments:

Comments: RESPONSE TO RESTRICTION REQUIREMENT  
DOCKET NO.: 544782000300  
GROUP ART UNIT: 2822  
EXAMINER: K. Rose  
SERIAL NO.: 10/821,457  
FILING DATE: April 8, 2004  
INVENTOR(S): Hidenori MORIMOTO  
TITLE: MEMORY CELL, MEMORY DEVICE AND MANUFACTURING METHOD OF MEMORY CELL

Papers attached:

1. Transmittal (1 page)
2. Amendment/Response (2 pages)

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PTO/SB/21 (09-04)

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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	10/821,457
		Filing Date	April 8, 2004
		First Named Inventor	Hidenori MORIMOTO
		Art Unit	2822
		Examiner Name	K. Rose
Total Number of Pages in This Submission	3	Attorney Docket Number	544782000300

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply (2 pages) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax cover sheet
Remarks		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	MORRISON & FOERSTER LLP (Customer No. 25226)	
Signature		
Printed name	Charles D. Holland	
Date	October 28, 2005	Reg. No. 35,196

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(Carolyn McKubre)

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*C. G. McKubre*  
(C. G. McKubre)

Docket No.: 544782000300

Client Ref. No.: 25291/03R01100/US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Hidenori MORIMOTO

Application No.: 10/821,457

Confirmation No.: 1336

Filed: April 8, 2004

Art Unit: 2822

For: MEMORY CELL, MEMORY DEVICE AND  
MANUFACTURING METHOD OF MEMORY  
CELL

Examiner: K. Rose

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 30, 2005 (Paper No. 20050929), Applicant hereby provisionally elects claims Group I (Claims 1-23) for continued examination without traverse.

The Examiner has required restriction between:

I Claims 1-23, drawn to a semiconductor device, classified in class 257, subclass 471; and

II Claims 24-46, drawn to a method of making a semiconductor device, classified in class 438, subclass 92.

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Application No.: 10/821,457

2

Docket No.: 544782000300

Applicant also reserves the right to amend the application to include a generic claim or other linking claim or claims as prosecution proceeds. The provisional election of the claims of Group I, is not to be construed as dedication of the unelected subject matter to the public, and Applicant reserves the right to file continuing and divisional applications for this subject matter.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing (544782000300). However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 28, 2005

Respectfully submitted,

By 

Charles D. Holland

Registration No.: 35,196

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